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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

Vol. 10

March 9, 1993

No. 9

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House Week in Review

With the Judiciary Committee having recently passed a massive government restructuring bill, the House late last week agreed to put the bill before the full chamber beginning on Monday, March 8. If the House approves the restructuring proposal, the state appropriation bill will be considered by the House the following week, beginning either March 15 or 16.

On Tuesday, Norman Fogle withdrew his appeal of the results of last November's election in House District 96, which includes parts of Lexington and Orangeburg Counties. Republican Elsie Rast Stuart had won that election by less than 100 votes out of over 10,000 cast. The appeal had been referred to the Judiciary Committee for further consideration. With Mr. Fogle's withdrawal, Speaker Robert Sheheen declared the appeal of the election results officially concluded and declared Ms. Rast Stuart as the victor of the District 96 election.

On Thursday, the House voted 102-0 to adopt a resolution urging the U.S. Department of Defense, Congress and the President to remove from consideration for closure the Charleston Naval Base and Shipyard. The federal Base Closure Commission is expected to release its list of recommended defense base closings on Monday, March 15, and state and local officials are making a strong effort to ensure that the naval base does not get included in the recommended base closure list. Supporters of the resolution boasted of the efficiency of the shipyard and emphasized the naval facility's importance to the Charleston area, noting that the naval facility employs over 35,000 people and provides a payroll of over \$1 billion.

Legislative Update, March 9, 1993

Bills Introduced

The following bills were introduced in the House of Representatives last week. Not all bills introduced in the House are featured here. The summaries are arranged according to the standing committee to which the legislation was referred.

Agriculture, Natural Resources and Environmental Affairs

Exemption from Purchase of Fur Buyers' License (H. 3583, Rep. Rhoad). This bill exempts a person from being required to purchase a fur buyers' license if he owns a fox hunting enclosure and is permitted annually by the Department of Marine and Wildlife Resources to purchase live foxes for release into a pen. The bill provides that these foxes must be obtained from a South Carolina-licensed commercial trapper and can only be obtained if the foxes were legally taken in the state. A record of fox purchases and transfers would be reported annually on forms provided by the Department. The bill also removes exemptions for fox hunting-enclosed preserves or pup training facilities from requirements on certain state laws governing the trade and sale of furbearing animals.

Hunting Requirements for Wild Turkeys (H. 3584, Rep. Snow). This bill would require the Department of Wildlife and Marine Resources, as currently opposed to the Department or its designated agent, to issue wild turkey transport tags for anyone hunting wild

turkey. The bill also deletes the current daily and yearly bag limit for wild turkeys but allows the Department to establish seasonal bag limits for wild turkey based on the biological needs of the turkey population. The Department also would be allowed to establish daily bag limits consistent with the recommended seasonal bag limits for wild turkey. The bill also deletes the bag limits for turkeys in Game Zones 6 and 11.

Unlawful Sale, Trade and Barter of Game (H. 3585, Rep. Snow). Under this bill, it would be unlawful to offer to or actually buy, sell, trade or barter or possess for sale, trade or barter birds protected by state law or game fish or animals or their parts, except the hides or body parts of furbearing animals. The bill would also permit hides of legally taken deer to be traded during the same time as currently provided by state law during which the hides may be bought, sold or bartered. Anyone convicted of violating these provisions would be punished as state law currently provides for those convicted of illegally buying, selling, trading, trafficking or bartering wildlife, with higher penalties for each time these provisions are violated.

Alteration of Nonresident's Fishing License (H. 3586, Rep. Snow). This bill revises the monetary penalty which may be imposed in lieu of imprisonment on anyone convicted of altering a nonresident's fishing license, or on a nonresident who fishes without a temporary license or violates provisions governing the use of a temporary license, so that the fine imposed must not exceed \$200, as opposed to the current requirement that the fine must be exactly \$200.

Illegal Hunting, Fishing and Trapping on Another's Property (H. 3587, Rep. Snow). This bill would revise the penalties imposed on anyone convicted of unlawfully hunting, fishing or trapping on another's property. A person convicted of this offense for the first time, if not imprisoned, would be fined between \$100 and \$200, as currently opposed to being fined any amount up to \$200. A person convicted of a second or subsequent offense within a year of the first offense would be fined between \$500 and \$1,000, imprisoned 180 days, or both. Current law provides that anyone convicted a second time must be fined between \$100 and \$200 or imprisoned not more than 30 days, while anyone convicted a third time would be fined between \$500 and \$1,000, jailed for up to 6 months, or both, although under current law a prior offense is only one occurring within 10 years preceding the date of the last offense. This bill also provides that a person convicted of a 3rd offense during a 1-year period must be charged with hunting under suspension and must receive an additional 3-year suspension for each offense.

State Butterfly (H. 3608, Rep. Stone). This bill would designate the tiger swallowtail as the official state butterfly.

Education and Public Works

Increased Maximum Speed for School Buses (H. 3596, Rep. Smith and Stone). This bill would increase the maximum speed authorized for school buses, except when these buses are traveling to and from a special event which require use of an interstate or state primary highway, from 35 MPH to 45 MPH.

Expansion of Size of Board of Commissioners for State School for the Deaf and Blind (H. 3599, Rep. Davenport). This bill would expand the size of the Board of Commissioners for the South Carolina School for the Deaf and Blind from 9 to 10 members and the number of commissioners appointed at-large would increase from 3 to 4. The bill also states that 1 of the 4 members appointed at-large must represent the interests of persons with multiple disabilities.

Repeal of Mandatory Vehicle Safety Inspections and Requirement of Front License Plates (H. 3602, Rep. Gamble). This bill would abolish mandatory vehicle safety inspections and require that all motor vehicles, except for truck tractors and road trailers, licensed and registered in South Carolina also be issued license plates for the front of the vehicles. This requirement for front plates would apply to motor vehicles licensed and registered on and after January 1, 1994.

Early Childhood Development and Assistance (H. 3612, Rep. Richardson). This bill is designed to emphasize early childhood education and focus the State's resources on effective prevention of academic problems. Beginning in fiscal year 1995-1996 in the general appropriations act, the General Assembly would determine an appropriation level for the academic assistance initiative. The State Board of Education would promulgate regulations to implement a system to provide a pro rate matching of weighted pupil units pursuant to current state law to pupils in the state's school districts who (1) are in kindergarten through grade 3 and who are eligible for the federal free and reduced price lunch program; or (2) in grades four through twelve who score below minimum basic skills act standards for reading, math, or writing or their equivalent. Funds generated by kindergarten through grade 3 students would be used by the districts to provide assistance to any student in these grades experiencing academic difficulties. Funds generated by students in grades four through twelve would be used to assist any student experiencing academic difficulties, with an emphasis on assistance at the time of need and on accelerating the progress of students performing below their peers.

The State Board of Education would develop and implement regulations requiring the beginning in school year 1993-1994 and continuing through school year 1994-1995, each school district design a comprehensive, long-range plan with annual updates to carry out the academic assistance initiative. The bill lists what must be included in each plan. The bill also requires the State Board of Education to establish an assessment process to evaluate

the degree to which the goals of the initiative are being met. The bill list the criteria by which the Board is to assess whether the goals are being met.

The State Board of Education would promulgate regulations for establishing parenting/family literacy programs to support parents in their role as the principal teachers of their preschool children. The Board also would promulgate regulations to implement parent/family literacy programs in all school districts or consortia of school districts. In developing these regulations, the Board would consider the guidelines developed for the Target 2000 act parenting programs and any available evaluation data.

Adequate Student Housing at State Colleges and Universities (H. 3628, Rep. J. Bailey and Holt). This bill would require all state-supported institutions of higher learning by the beginning of the 1995-1996 school year to have dormitory rooms or other suitable housing available to house at least half of their then currently-enrolled boarding students.

Abolishment of Mandatory Vehicle Inspections (H. 3632, Rep. Elliott). This bill would repeal the requirement that motor vehicles undergo safety inspections.

Judiciary

Public Office Vacancies (H. 3582, Rep. D. Smith and Graham). This bill provides that when a person holding an office in South Carolina elected by popular vote resigns his post to seek another popularly-elected office, the office is not considered vacant until a successor is elected and qualifies.

Reporting of Traffic Violations by Juveniles (H. 3590, Rep. Farr). This bill would require the Family Court to report adjudications of juveniles for all violations which affect a juvenile's privilege to drive a motor vehicle, including but not limited to controlled substance and alcoholic beverage violations, to the Department of Highways and Public Transportation. Currently the Family Court must only report adjudications of juveniles for moving traffic violations.

Illegal Gambling (H. 3598, Rep. Davenport). This bill revises current state law concerning illegal gambling so as to provide that a person may not play a game or cards or dice or at any gaming table, regardless of name, for money or any thing of value, or bet on the outcome of a game or event, promote or operate betting pools, or engage in bookmaking. Anyone convicted of violating these provisions would be fined \$50 for the first offense and fined \$50 and imprisoned 24 hours for the second offense. Those convicted of subsequent offenses would be penalized more severely, as listed in the bill. Magistrates would have jurisdiction for the first through fourth offenses. The bill also states that anyone who keeps a place

for gaming or gambling, whether the place is public or private, would be guilty of a felony and upon conviction be fined not more than \$2,000, imprisoned up to 2 years, or both.

Exemption from Civil Liability for Certain Health Care Professionals (H. 3600, Rep. Robinson). Under this bill, no licensed health care professional would be liable for damages resulting from the rendering of a health care service at a clinic where no charges are made for a health care service furnished at the clinic unless the act or omission amounts to gross negligence or wilful or wanton misconduct. These provisions apply only to a person rendering services voluntarily, without compensation paid to him or another person, corporation or organization. In a civil action brought against a health care professional, the court, in its discretion, could award the health care professional prevailing under these provisions attorney's fees, to be taxed as court costs.

School District Elections (H. 3608, Rep. Sharpe). Under this bill, members of boards of trustees for the state's school districts would be elected, with the election being non-partisan and held on the first Tuesday after the first November in November.

Criminal Storage of Firearm (H. 3617, Rep. Jennings). This bill would make it unlawful to store or leave a loaded firearm within the reach or easy access of a minor. A person who leaves a loaded firearm within easy access of the minor would be guilty of criminal storage of a firearm in the first degree if the minor obtains access to the firearm and causes death to himself or another person, and upon conviction the person would be jailed up to 3 years, fined up to \$10,000, or both. If the minor obtains access to the firearm and causes the firearm to discharge or causes injury to himself or someone else, the person owning the gun would be guilty of criminal storage of a firearm in the second degree and upon conviction be imprisoned up to 1 year, fined \$1,000, or both.

The bill lists exceptions under which these penalties would not apply. As examples, a person would not be guilty of criminal storage of a firearm if a minor obtains access to a firearm for target sport shooting events or hunting, or in a lawful act of self-defense or defense of another person. If the person violating these provisions is related within the 3rd degree by blood to the minor who is injured or dies as a result of the accidental shooting, the solicitor may consider the impact of the injury or death on the person when deciding to prosecute the violation. The bill also lists conditions under which an arrest for this violation may be delayed.

If the person committing this violation had attended a firearm training safety course prior to obtaining the firearm, this factor would be considered as a mitigating factor by the solicitor when deciding whether to prosecute a violation and also would be admissible in an action or trial commenced under these provisions.

At the time of a retail sale or transfer of a firearm, the seller would be required to deliver a written warning to the

purchaser stating that it is unlawful and punishable by imprisonment and fine for an adult to store or leave a firearm in any place within the reach or easy access of a minor. A similar warning would have to be posted at each purchase counter at a retail dealer which sells firearms.

For purposes of this bill, a "minor" is defined as someone under age 14.

Pregnancy Information Act (H. 3618, Rep. Rogers). This bill would require the Department of Health and Environmental Control (DHEC) to publish materials which would assist women in making informed decisions about childbirth, adoption and abortion. These materials must list agencies and services available to assist women during pregnancy, upon childbirth, and which provide abortion or adoption services. Information on abortion services must include the state's parental consent requirement and judicial by-pass procedure. Materials must also describe benefits available to pay for prenatal care, childbirth, neonatal care and abortion and providing information about agencies which provide or have information available concerning these benefits. Materials must also describe mechanisms available for obtaining child support payments, provide warnings about substance abuse during pregnancy and agencies and services available to overcome this addiction, and emphasize the importance of prenatal care during pregnancy and other information considered appropriate by DHEC to assist the women in assuring the health of her baby.

DHEC must provide these materials at no cost to facilities which assist women in making decisions about pregnancy, and facilities which diagnose pregnancy must make these materials available to anyone diagnosed as pregnant. A physician or other professional person or agency counseling or discussing with a minor the question of her obtaining an abortion must also make these materials available to the minor. The Adoption and Birth Parent Services Division of the Department of Social Services no longer would be responsible for developing and distributing brochure to health and education professionals for use in counseling pregnant minors.

The bill also would repeal the ban on providing abortion information or counseling in public schools.

Term Limits for Members of State Boards and Commissions (H. 3627, Rep. Waites). This bill would prohibit anyone appointed by the Governor or elected by the General Assembly to a state board or commission from serving more than 2 successive full terms or 12 consecutive years, whichever is longer. A board or commission member would be eligible for reappointment or re-election to the same board or commission after a 2-year absence from his position. Anyone currently serving on a board or commission whose tenure exceeds the limits of these provisions would be permitted to complete their current term.

Term limits under these provisions would not apply to board or commission members who are paid an annual salary from the state's

general fund, nor would the limits apply to life members of Clemson University's Board of Trustees.

New Election Dates for Special Elections (H. 3634, Rep. D. Smith and Tucker). Under this bill, new dates would be set to fill vacant offices whose holders are chosen through partisan election. The filing date for candidates in a partisan special election would begin a week, as currently opposed to the 3rd Friday, after the vacancy occurs and close 10 days later. The primary would be held on the 7th, instead of the 11th, Tuesday after the vacancy occurs, with the runoff held on the 9th, as opposed to the 13th, Tuesday after the vacancy occurs. The special election would be moved up from the 18th Tuesday after the vacancy occurs to the 14th Tuesday.

Suspension of Driver's License for Driving Under Influence of Drugs and Alcohol (H. 3638, Rep. Wilkins). This bill increases, from 90 to 120 days, the suspension period of the driver's license, permit or nonresident' operating privilege of a person who refuses to submit to chemical testing while under arrest for an offense alleged to have been committed while operating a motor vehicle under the influence of drugs or alcohol.

The bill also requires the Department of Highways and Public Transportation to suspend for 3 months the license of any person upon its determination that the person operated a motor vehicle with a blood alcohol content of .10 percent or more. This determination would be based on the report of the law enforcement officer who arrested the person and his grounds for believing the person was under the influence of alcohol or drugs. Determination of the facts would be independent of the determination of the same or similar facts in the adjudication of a criminal charge arising out of the same occurrence, and the disposition of a criminal charge would not affect a suspension under these provisions.

The suspension would be final unless the person under arrest appeals the suspension through administrative review or a hearing. If the Department through administrative review sustains the suspension, the person whose license has been suspended may request a hearing for a review of the Department's action. The person could also request the hearing without first requesting administrative review of the suspension, but in no case would administrative review be available after a hearing is held. The hearing would be held in the county where the arrest occurred unless the parties agreed to a different location. At the hearing, the only issues to be considered would be (1) whether the person was placed under arrest; (2) the person was warned of the consequences of registering a blood alcohol content of .10 percent or greater; (3) the person registered a blood alcohol content of .10 percent or greater; (4) the individual taking samples or administering tests was certified; and (5) sampled given and tests administered were given in accordance with procedure of the State Law Enforcement Division.

Removal of Deputies (H. 3642, Rep. J. Brown). This bill states that a sheriff's deputy may only be removed or discharged for cause and provides a procedure by which employees or appointees of the sheriff's department may file grievances.

Use of Unexpended Funds of Deceased Mental Health Patients (S. 340, Sen. Bryan). This bill pertains to situations in which the State Mental Health Commissioner or his designee acts as a conservator for a patient of a State Mental Health Facility. Under this bill, any unexpended funds held by the conservator after the patient dies no longer would be paid to the probate judge of the county from which the patient or trainee was admitted for distribution.

Review of Child Admitted as Inpatient to Department of Mental Health (S. 341, Sen. Bryan). This bill provides that in the case of a child 16 or over admitted to an inpatient facility at the Department of Mental Health, if the probate court of the county where the child resides or applied for admittance determines that the child's application was voluntary and no need for commitment exists, the child must be discharged immediately. If the court determines that the application was involuntary and the admission is necessary, the court would order the facility to file within 3 working days after the date of the order a petition for judicial admission. The facility also would be ordered to retain the child pending a hearing to be conducted within 15 days of the filing of the petition.

Labor, Commerce and Industry

Physical Fitness Services (H. 3595, Rep. Haskins). This bill redefines "center" as pertains to the state's Physical Fitness Services Act so that it means a person or organization which, for a fee, as currently opposed to for a profit, offers physical fitness services. The bill also states that every prepaid credit contract for physical fitness services of over 3 month's duration, as currently opposed to over 1 month's duration, or over 100 instead of the current 50 dollars must conform to the credit contract requirements as currently provided under state law.

Choice of Pharmacists under Health Policies (H. 3631, Rep. Elliott). This bill would prohibit a health insurance policy or health maintenance organization plan from prohibiting or limiting a person from selecting a pharmacy or pharmacist of his choosing or from restricting the right of a pharmacy or pharmacist to participate as a contract provider, so long as the pharmacy or pharmacist meets the terms of the policy or plan as required by the insurer.

Continuing Education Requirements for Real Estate Brokers and Sales Agents (H. 3636, Rep. Baxley). This bill would require

resident and nonresident brokers or sales agents to annually and satisfactorily complete 6 hours of continuing education instruction as a condition for license renewal. This instruction would not be required if a broker or sales agent becomes inactive, if a nonresident broker meets continuing education requirements in his home state, or if a licensed agent is at least age 60 and has a minimum of 25 years of continuous licensure. A sales agent enrolled in a 30-hour course for qualification as a broker would be exempt from continuing education requirements for that particular year.

Continuing education instruction would be given by a course provider approved by the Real Estate Commission. The Real Estate Commissioner would administer the continuing education program and approve courses for instruction. The bill also requires establishment of a continuing education administrator or service which would compile and maintain records of the continuing education status of licensed agents. Each licensed agent would be required to provide evidence of his continuing education status to the administrator or service at least 120 days prior to his annual renewal date. The continuing education administrator or service would furnish proof of an agent's continuing education status within 90 days of his renewal date.

Auto Underwriting Association (H. 3637, Rep. Felder). This bill would abolish the Reinsurance Facility and in its place create the South Carolina Automobile Underwriters Association. All auto insurers licensed to transact business in South Carolina would be required to be members of and continue participation in the association so long as the insurer transacts business in this state. This underwriters association would use shared risk pooling, a method which would transfer risks to a common pool of shared market consumers, with the experience of the pool allocated among the members. Specialized insurers would not be allowed to transfer risks to the Underwriting Association and would be exempt from participating as a member company. The mandate to write insurance would be eliminated, replaced with a non-discrimination clause. Except for specialized insurers, no insurer would be allowed to cancel or to refuse to write auto insurance coverage based on an applicant's or insured's age, marital status, national origin, place of residence, race, religion, sex or type of employment. If an agent refuses to write a policy, the reason for the refusal must be made in writing upon request of the applicant.

Under this bill, required insurance coverage would be reduced from the current \$15,000/30,000/5,000 to \$10,000/20,000/5,000. As under current provisions, no policy which only provides physical damage coverage could be transferred to the Underwriting Association for shared risk pooling.

The Underwriting Association would assume all the assets, liabilities, accounts and contracts of the Reinsurance Facility. Prior rules and regulations of the Facility would apply to the Association until changes are approved by the governing board of the Association. Governing board members of the Reinsurance Facility would become members of the Association's governing board,

serving until the expiration of their prior appointment. Policies transferred to the Association must be transferred as a whole and not as parts of policies.

The objective standards rate would be abolished in favor of 1 base rate. The Recoupment fee would be eliminated, replaced by an allocation fee applied to all insured drivers. Policies under the Underwriting Association would have 3 rates---1 for drivers eligible for the Safe Driver Discount, 1 for drivers with fewer than 2 merit rating points, and 1 rate for drivers with 2 or more merit rating points.

Medical, Military, Public and Municipal Affairs

Expanded Powers of Reserve Officers (H. 3607, Rep. Hodges). This bill would allow reserve police officers, with the permission of the law enforcement agency and the governing body by which they are employed, to wear their uniforms and use their weapons and similar equipment while performing private jobs during their off-duty hours.

Compensation for Governing Bodies of Public Service Districts and Special Purpose Districts (H. 3615, Rep. Allison). This bill raises from a maximum of \$35 to a maximum of \$100 the per diem members of the governing body of a public service district or special purpose district may authorize for themselves and provides that subsistence for the governing body may not exceed that allowed by law for members of state boards, committees and commissions.

Mandatory Autopsies (H. 3620, Rep. Waldrop). This bill would revise the conditions under which a county coroner must perform an autopsy so as to require an autopsy be performed on a person who dies in a local jail, prison or state correctional facility only if the person's physician is unable to visit the institution to determine the person's cause of death.

Physical Therapists (H. 3630, Rep. Waldrop). This bill states that no right exists under South Carolina's Physical Therapy Practice Act for physical therapists of physical therapist assistants to have paid to them a health insurance policy benefit or to have a claim against a 3rd party claimer. The bill also deletes the prohibition against practicing physical therapy independent of the prescription of a licensed doctor of medicine or dentistry.

Billing for Unpaid Water Bills (H. 3641, Rep. J. Brown). This bill would prohibit any local government which supplies water from billing a property owner for water supplied to the property's lessees, if the lessees have subscribed for water service but not paid for water supplied.

Ways and Means

Reimbursement for Business Inventory Tax Exemption (H. 3588, Rep. Kirsh). This bill states that if the amount of state reimbursement provided to a county or municipality because of the business inventory tax exemption is attributable to debt service for any purpose, the reimbursement amount must be redistributed in proportion to other separate millages levied by the county or municipality for the 1987 tax year.

Audit Standards for Certain County Officials (H. 3589, Rep. Kirsh). Under this bill, provisions pertaining to audit standards for county assessors, auditors, treasurers and tax collectors would be effective for fiscal years after June 30, 1994, as currently opposed to tax years after December 31, 1992.

School District Financial Support for Pupils (H. 3592, Rep. McTeer). This bill pertains to the level of financial support per pupil required of each school district and provides that the financial effort for noncapital programs must be adjusted for an inflation factor as set forth in the general appropriations act. Currently that effort is adjusted for an inflation factor as estimated by the Division of Research and Statistical Services. The bill also states that beginning in fiscal year 1993-1994 the local financial effort must also be adjusted for the noncapital matching requirements of the Education Finance Act. The bill states that under these provisions, "level of financial effort per pupil" for noncapital programs and matching requirements means the district's budgeted or appropriated revenue for these purposes in the applicable year.

Supplemental Employment or Income for State Employees (H. 3593, Rep. Quinn). This bill states that, as of July 1, 1993, an employee or officer of the State, its political subdivisions, departments or agencies whose annual compensation as determined by the General Assembly exceeds \$80,000 plus increases attributed to the annual cost of living adjustment granted to state employees may not accept supplemental employment or income from an employer outside the entity primarily employing him when the supplemental employment or income is derived from funds provided by the General Assembly. This prohibition would not apply, however, to a person in the following cases: (1) If the person's primary employer is a state-supported institution of higher learning and the person's supplemental employment or income is derived from grants, foundations or other sources for research, educational, artistic or similar purposes, but funds from a state-supported institution of higher learning could not be used to supplement salaries of employees whose primary employment is outside the institution's system. (2) If the person's supplemental income is derived from service in the South Carolina State Guard; or (3) If the person is appointed by the governor and serves at his pleasure.

Refund of Licenses and Permits (H. 3594, Rep. Haskins). This bill states that if a biennial licensee or permittee under the State's Alcoholic Beverage Control Act closes the licensed or permitted business or dies within the first year of the biennial license or permit year, then the permittee or his estate must be refunded the amount of the license or permit fee attributable to the second year of the biennial license or permit year.

Income Tax Credits for Taxpayers with Dependents (H. 3597, Rep. Davenport). This bill would allow a resident individual taxpayer with whom resides at least 10 months of a taxable year a dependent classified as permanently and totally disabled by a state or federal agency lawfully entitled to make this classification to claim a state income tax credit of \$2,000. The bill defines "dependent" and states that any income of the dependent, regardless of its source, reduces the amount of the income tax credit by \$1 dollar for every \$3 of income.

Eligibility for Job Tax Credit (H. 3601, Rep. Spearman). This bill would revise the definition of a less developed county as pertains to eligibility for the state job tax credit so as to include all counties with population of under 20,000 as of the 1990 U.S. Census.

Memorial for Officers Killed in Line of Duty (H. 3603, Rep. P. Harris). This bill would allow the Budget and Control Board's Division of General Services to erect a memorial on the grounds of the State House to honor state and local law enforcement officers killed in the line of duty.

Assessment of Agricultural Property Owned or Leased by Corporations (H. 3604, Rep. McAbee). This bill states that agricultural real property used for agricultural purposes would be taxed on an assessment equal to 8 percent of the property's fair market value if the property is owned or leased by a corporation whose shares are publicly traded.

Obsolete Tax Laws (H. 3609, Rep. Kirsh). This bill would delete obsolete provisions pertaining to county auditors and treasurers, the comptroller general, and ad valorem taxes.

Redemption of Mobile Homes (H. 3619, Rep. Waldrop). This bill states that a defaulting owner, or any grantee or secured creditor of a defaulting owner of any mobile or modular home may redeem the property as currently provided under state law, and that the mobile or modular home may not be moved at the time of levy and sale during redemption unless earlier redeemed.

Assessment of Property Held in Trust (H. 3629, Rep. J. Bailey). This bill provides that if residential real property is held in trust and the income beneficiary of the trust occupies the property as a residence, the property would be taxed on an

assessment equal to 4 percent of the property's fair market value if the trustee certifies to the assessor that the property is occupied as a residence by the income beneficiary of the trust.

Without Reference

General Appropriations Bill (H. 3610. House Ways and Means Committee). This bill contains proposed appropriations for the state for fiscal year 1993-1994. The proposed budget of \$3.73 billion is \$200 million higher than last year's figure of \$3.53 billion. Some of the features of the budget proposal are as follows:

---Approximately \$1.2 billion for the State Department of Education.

---\$439 million for Higher Education.

---\$240 million for the Health and Human Services Finance Commission.

---\$206 million for the Department of Corrections.

---\$167 million for the Department of Mental Health

---\$127 million for the Budget and Control Board, including \$67 million for the Capital Reserve Fund.

---\$78 million for the Department of Health and Environmental Control.

The appropriations bill also contains a proposal to restructure state government. This restricting proposal is based on the plan adopted by the Constitutional Laws Subcommittee of the Judiciary Committee. The restructuring proposal contained in the appropriations bill is similar to the proposal recently adopted by the Judiciary Committee, but there are a few differences, examples of which are as follows:

---The Ways and Means version proposes creation of a Department of Agriculture and Natural Resources. Under the Judiciary version, however, Agriculture and Natural Resources would be separate departments.

---The Ways and Means version proposes a Division of Administrative Law Judges under the office of the governor consisting of not less than 6 judges. Under the Judiciary version, the Division of Administrative Law Judges would consist of 8 judges.

Government Restructuring (H. 3611, House Judiciary Committee). This is a comprehensive (in excess of 2500 pages) bill to restructure state government. Highlights of the bill are as follows:

---The bill creates 18 departments within the executive branch of government. Those departments are: (1) Agriculture; (2) Alcohol and Other Drug Abuse Services; (3) Commerce; (4) Disabilities and Special Needs; (5) Education; (6) Environmental Regulation; (7) Family Services; (8) Health; (9) Health and Human Services Finance; (10) Insurance; (11) Law Enforcement; (12) Licensing and

Regulation; (13) Mental Health; (14) Natural Resources; (15) Parks, Tourism and Cultural Affairs; (16) Rehabilitation and Corrections; (17) Revenue; and (18) Transportation.

---Each department head (except for the Departments of Agriculture and Education, both of which are headed by state constitutional officers) would be appointed by the governor with the advice and consent of the General Assembly. Each department head would serve at the pleasure of the governor.

---Each department would be organized into appropriate divisions by the department director or constitutional officer through consolidation or subdivision. Departments would be allowed to consolidate existing full time equivalent positions authorized for each department and redistribute the applicable salary funds in a manner the department director determines is the most efficient use of the funds, including salary increases. Each department's director would be vested with the duty of overseeing, managing and controlling the operation, management and organization of his department

---Each department director or constitutional officer would be allowed to appoint deputy directors to head divisions of their respective departments, with each deputy director managing 1 or more divisions.

---Unless otherwise provided by law, each department would be allowed to carry forward to the next fiscal year 80 percent of its unexpended appropriations.

---No later than the first day of the 1994 legislative session and every 12 months thereafter for the following 3 years, department directors and constitutional officers must submit to the governor and the General Assembly reports giving detailed and comprehensive recommendations for purposes of merging or eliminating duplicative or unnecessary divisions, programs or personnel within each Department to provide more efficient administration of government services. Thereafter, the governor would periodically consult with directors of various departments and upon this consultation would submit a report of any recommendations to the General Assembly for review and consideration.

---Creates an Administrative Law Judge Division, consisting of a Chief Judge and 7 associates. These judges would preside over all contested cases involving a department of the executive branch of government which does not have a board or commission authorized to exercise sovereignty of the state and hear contested cases. An administrative law judge also would preside over hearings of appeals from final decisions of state boards or commissions, including but not limited to the Employment Service Commission, Public Service Commission, Procurement Review Board, Human Affairs

Commission and Coastal Council Appellate Board.

Elections in Special Purpose Districts (H. 3640, Rep. Wilkins). This bill would allow a candidate for commissioner of a special purpose district to file a statement or candidacy as an alternative to obtaining a petition in order to have his name placed on the ballot. This would not apply to districts in counties which, by ordinance, have adopted uniform election dates for districts before the effective date of this act.

Referendum to Approve Creation of County Police Department (S. 5, Sen. Williams and Hayes). This bill would require a referendum to be held to approve creation of a county police department prior to implementation of an ordinance adopted by county council which would duplicate or replace law enforcement functions of a sheriff.

Total copies 525
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